

**FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY (CRA)
CITY COMMISSION CONFERENCE ROOM
MAY 16, 2000**

Mayor Naugle called the meeting to order at 3:36 P.M. Roll was called, and a quorum was present.

Present: Mayor Naugle
Commissioner Cindi Hutchinson
Commissioner Gloria F. Katz
Commissioner Carlton B. Moore
Commissioner Tim Smith

Also Present: City Manager
City Attorney
City Clerk

Amendment of CRA By-Laws

Motion made by Commissioner Moore and seconded by Commissioner Katz to approve amendments to the CRA By-Laws. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Moore, Smith, and Mayor Naugle. NAYS: none.

CRA Consultant

A motion was presented to approve hiring *Mr. David Cardwell*, Holland and Knight Redevelopment Strategies LLC, as the CRA consultant effective as of May 1, 2000 for a period of 12 months.

Commissioner Hutchinson was uncomfortable with giving away the attorney/client relationship. She understood Mr. Cardwell was not being hired as an attorney type of consultant, but his law firm dealt with a lot of development cases in Fort Lauderdale. Commissioner Moore was unclear on the issue. Commissioner Hutchinson explained that page 2 of the May 1, 2000 letter distributed in connection with this item indicated that this would not include any legal services, and no attorney/client relationship would be created by virtue of this agreement.

The City Attorney said the reason the document was so clear in expressing the fact that there would be no attorney/client relationship was because the firm would not be performing any legal services for the CRA. Rather, they would provide only consulting services in terms of strategies to implement the program. He stated that Mr. Cardwell was a recognized expert in that aspect of CRA work. The City Attorney agreed the law firm of Holland & Knight did occasionally represent clients making presentations to the DRC, the Planning & Zoning Board, and/or the City Commission. In order to ensure there was no conflict, the law firm was not being retained by the City or the CRA for legal services, and Mr. Cardwell would be performing a specific set of tasks with a "wall" between the two types of services to keep them separate and apart.

Commissioner Smith understood the idea was to prevent any collusion between Mr. Cardwell and the firm. Mayor Naugle believed a situation could arise in which someone disagreeing with a City decision relating to a development issue in the CRA district, and Mr. Cardwell could end up testifying against the City. Commissioner Moore believed that would also be true if a separate consultant was selected. He understood Mr. Cardwell would provide information about how the CRA could be better operated, but the situation envisioned by Mayor Naugle could occur even if the consultant had no relationship with a legal firm.

Commissioner Smith asked why Mr. Cardwell was being selected. Ms. Kim Jackson, CRA Manager, stated that the CRA would be entering into an aggressive, creative type of redevelopment activity in a very diverse area in terms of a strategic plan and its implementation. She explained it was very difficult to find anyone who understood how the CRA Statutes worked and how to implement strategic plans. Ms. Jackson stated that Mr. Cardwell was well respected in the field and had an enormous amount of experience in tax increment financing and could provide a Statewide perspective.

Commissioner Moore recalled that when the County had tried to limit the CRA boundaries, Mr. Cardwell had been asked for his opinion and was well respected by all the CRA directors in the County. Commissioner Hutchinson was sure Mr. Cardwell was well qualified and could do a wonderful job, but she was uncomfortable waiving the attorney/client relationship.

Mr. Cardwell explained that the statement pertaining to attorney/client privilege had been included because he was a consultant. However, even if he was retained as an attorney, the Supreme Court had indicated that when lawyers were hired by public agencies, with a few exceptions, attorney/client privilege was waived. Therefore, the statement on page 2 was really just to confirm the fact that as a consultant, there was not even a hint of an attorney/client relationship. Thus, the privilege was already gone. Mr. Cardwell stated that as far as conflicts were concerned, the policy of the firm was to follow the policies of the City. Therefore, his firm would not be able to represent anyone who came in and submitted a proposal for a project within the CRA boundaries because that would be a conflict of interest.

Mayor Naugle noted that the City hired a lot of outside counsel. He asked if there was any policy that these outside counsel could not work against the City if a lawsuit was filed. The City Attorney replied it did, and there had never been any deviation from that policy. Mayor Naugle asked if this would be deviation because the City was hiring a subsidiary of a law firm. The City Attorney replied it would not.

The City Attorney said he had briefly discussed with Mr. Cardwell the possibility that the City's own consultant might end up as a witness. He advised that a separate letter agreement would be executed that Mr. Cardwell would maintain confidentiality to a certain extent and not testify under such circumstances.

Motion made by Commissioner Moore and seconded by Commissioner Katz to approve the hiring of David Cardwell, Holland & Knight Redevelopment Strategies LLC, as the CRA Consultant effective as of May 1, 2000 for a period of 12 months. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Moore. NAYS: Mayor Naugle.

CRA Boundary Expansion and CRA Project Manager

Commissioner Smith stated that the South Middle River neighborhood had indicated a desire for a further expansion of the boundaries. He hoped staff would pursue that idea. Mayor Naugle added that he would not want the City's position weakened or the life of the CRA decreased by virtue of boundary expansions, realizing that the County could impose additional restrictions.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve initiating the process for the expansion of the CRA boundaries and the hiring of a CRA Project Manager. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

CRA Policy Statement

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve the CRA Policy Statement. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Location of Governmental Facility

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to support the location of one or more government facilities within the CRA boundaries. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

There being no further business before the Board of Directors, the meeting was adjourned at 3:53 P.M.